IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Crl.Rev.Pet.No. 831 of 2007()

AGAINST THE ORDER DATED 15/02/2007 IN CMP 309/07 & CMP.308/2007 IN ST. 506/06 of JUDL. MAGISTRATE OF FIRST CLASS-II,SULTHANBATHERY

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REVN. PETITIONER/ACCUSED:

BINOY FRANCIS, S/o. FRANCIS,
PULIKKAL(H), KRISHNAGIRI POST,
WAYNAD DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM
SRI.O.K.MURALEEDHARAN

RESPONDENTS/COMPLAINANT & STATE:

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1. O.D.THOMAS, S/o.DEVASSIA,
   OLIKKAL(H), MANIYAKODE POST,
   KALPETTA NORTH.

2. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU,J

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CRL.R.P.No.831 OF 2007

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Dated this the 23rd day of February,2007

ORDER

The revision petitioner, who is the accused in ST. No.506/06 with respect to the offence under Section 138 of the Negotiable Instruments Act, has sought for setting aside the common order in C.M.P. Nos.308/07 and 309/07. The applications have been filed to get the income tax particulars of the complainant to produce his permanent account number as well as to examine one Deviprasad to whom, according to the complainant, he had given the impugned cheque. In the common order nothing is mentioned with respect to the application filed under Section 311 Cr.P.C. that is C.M.P.309/07 as to the examination of Deviprasad. So far as the order with respect to the production of income tax particulars, I am of the view that it is supported by proper reasons, so that no interference is sought for. All the same, the court below is silent in the above order as to the request of the revision petitioner to issue summons to Mr.Deviprasad. Hence, the common order in C.M.P.Nos.308/07 and 309/07 is set aside. The court below is directed to consider C.M.P.No.309/07 and pass appropriate order on merits.

K.R.UDAYABHANU,JUDGE

dvs